

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

Region 1 Boston, Massachusetts
10 Causeway Street, 6th Floor
Boston, MA 02222-1072
(617) 565-6700

November 14, 2003

Mr. Dana Whitney
68 Norman St.
Gardner, MA 01440

Re: Harding Glass
Case 1-RD-1755

Dear Mr. Whitney:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been investigated and considered.

Background: Your petition seeking decertification of the Union was filed on May 8, 1993. Thereafter, unfair labor practice charges were filed against the Employer in Cases 1-CA-31148 and 1-CA-31158. Those cases eventually went to hearing before Administrative Law Judge Michael O. Miller, who found, in relevant part, as follows:

[The Employer] solicited employee support for the decertification, backing that solicitation with threats, and it solicited, with the promise of a raise, one employee to file that petition in his own name. It then provided the form and the language for the petition, without any request by an employee that it do so, and provided both the time (on the clock) and transportation necessary to see that the petition was filed. Its conduct in this regard clearly interfered with rights reserved to the employees and violated Section 8(a)(1). The petition resulting from this conduct is, of course, tainted.

This determination was affirmed by the Board at 316 NLRB 985 (1985) and was left undisturbed on appeal at 80 F. 3d 7 (1st Cir. 1996).

Decision to Dismiss: The determination on the charges demonstrates that the showing of interest is tainted and has been rendered insufficient. Accordingly, the petition is dismissed. See Representation Casehandling Manual Sec. 11733.2(a)(1).

Right to Obtain Review: Section 102.71(b) of the National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing a request for review with the National Labor Relations Board. If you wish to file request for review, your attention is directed to the following, which summarizes the provisions of Section 102.71(c) of the Rules:

Request Due Date: The request for review must be received by the Executive Secretary of the Board in Washington, D.C. by the close of business at 5 p.m. on -----2003. However, if you mail the request, it will be considered timely if it is postmarked no later than one day before the due date. The request MAY NOT be filed by facsimile transmission.

Extension of Time to File Request: If you provide a good reason, the National Labor Relations Board may grant you an extension of time to file the request for review. You may file a request for an extension of time by mail, by facsimile transmission, or through the Internet. The fax number is (202) 273-4270. Special instructions for requesting an extension of time over the Internet are set forth in the attached Access Code Certificate. Any request for an extension of time must be received by the due date indicated above. A copy of any request for extension of time should be sent to me.

Request Contents: The request for review (eight copies) must contain a complete statement setting forth the facts and the reasons why you believe the decision to dismiss the petition is incorrect.

Address for Request for Review: The request should be sent to the Executive Secretary of the National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570 by the due date specified above. You should send a copy of the request to me, and one copy of the request to each of the parties whose names and addresses are listed below.

Very truly yours,

Rosemary Pye
Regional Director

General Counsel, Office of Appeals

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